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INFINITY AUTO INSURANCE COMPANY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TARA ANN SHERWIN,
Plaintiff,

vs.

INFINITY AUTO INSURANCE COMPANY,
DOES I – X, and ROE CORPORATIONS I –
X, inclusive,
Defendants.

Case No. 2:11-cv-00043-JCM-LRL

**STIPULATION AND ORDER TO EXTEND DISCOVERY PLAN
AND SCHEDULING ORDER
(Fourth Requested Modification)**

Plaintiff TARA SHERWIN and Defendant INFINITY AUTO INSURANCE COMPANY, by and through their respective counsel, and pursuant to Local Rule 26-4, stipulate to modify their discovery plan as follows:

1. Plaintiff filed her Complaint and Demand for Jury Trial on August 13, 2010 in the Eighth Judicial District Court and Defendant INFINITY AUTO INSURANCE COMPANY filed its answer on September 13, 2010. This case was removed to the United States District Court on January 10, 2011. Plaintiff Amended her Complaint to properly name Defendant on May 17, 2011 and Defendant's Answer to Amended Complaint was filed on May 20, 2011.

2. The parties held their F.R.C.P. 26 conference on February 15, 2011 and filed their Stipulated Discovery Plan and Scheduling Order (Special Scheduling Review Requested Pursuant to LR 26-1(e)) on March 2, 2011. In this original plan, the parties agreed to the following dates:

Last day of discovery:	August 15, 2011
Last day to amend/add:	May 16, 2011
Initial Expert Disclosure:	June 15, 2011
Rebuttal Expert Disclosure:	July 15, 2011
Dispositive Motions filed:	September 13, 2011
Joint Pre-Trial Order:	September 13, 2011

This initial discovery plan was signed by United States Magistrate Judge Lawrence R. Leavitt on March 10, 2011.

The parties stipulated to extend the discovery plan and scheduling order and on July 29, 2011 the Court ordered the following deadlines:

Discovery Cut Off	October 14, 2011
Join Pre-Trial Order	November 14, 2011

Defendant filed a Motion to Extend Discovery Deadlines in order to take the remaining depositions on September 20, 2011. The Court granted Defendant's Motion on September 28, 2011 and ordered the following deadlines:

Discovery Cut Off	January 12, 2012
Dispositive Motions Due	February 13, 2012
Proposed Joint Pretrial Order Due	March 13, 2012

The parties stipulated to extend the discovery plan and scheduling order on December 8, 2011 and the Court ordered the following deadlines:

Primary Expert Disclosure Date:	Closed
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1 Rebuttal Expert Disclosure Due: January 17, 2012
 2 Last Day to Request Extension of Deadlines: February 23, 2012
 3 Discovery Cutoff: March 12, 2012
 4 Dispositive Motions Due: April 13, 2012
 5 Joint Pre-Trial Order Due: May 14, 2012
 6

7 3. In compliance with Local Rule 26-4, the parties provide the following
 8 information regarding the discovery status:

9 **(a) Discovery Completed:**

10 **DEFENDANT:**

11 DOCUMENT	12 DATE
13 Initial Disclosure of Documents and Witnesses	March 1, 2011.
14 First Supplemental Disclosure	March 18, 2011
15 Response to Plaintiff's First Request for Admissions	April 14, 2011
16 Second Supplemental Disclosure	April 19, 2011
17 Response to Plaintiff's First Request for Production	April 22, 2011
18 Third Supplemental Disclosure	April 26, 2011
19 Response to Plaintiff's First Set of Interrogatories	May 6, 2011
20 Fourth Supplemental Disclosure	May 23, 2011
21 Fifth Supplemental Disclosure	June 13, 2011
22 Initial Expert Disclosure	June 14, 2011
23 Sixth Supplemental Disclosure	June 15, 2011
24 Seventh Supplemental Disclosure	July 12, 2011
25 Eighth Supplemental Disclosure	July 15, 2011
26 Rebuttal Expert Disclosure	July 15, 2011
27 Depo of Tara Sherwin	July 20, 2011
28 Deposition of Benjamin Lund, Esq.	August 4, 2011
	August 5, 2011

1	Deposition of Andrew Cash, M.D.	August 10, 2011
2	Deposition of Angela Stabile	August 11, 2011
3	Response to Defendant's Second Request to Admit	August 15, 2011
4	Tenth Supplemental Disclosure	August 15, 2011
5	Deposition of Ken Lamprecht	August 16, 2011
6	Eleventh Supplemental Disclosure	August 16, 2011
7	Deposition of Deanmartin Magana	August 31, 2011
8	Twelfth Supplemental Disclosure	September 21, 2011
9	Deposition of Anthony Cardella	October 10, 2011
10	Thirteenth Supplemental Disclosure	October 14, 2011
11	Deposition of Biko Beautah	October 24, 2011
12	Fourteenth Supplemental Disclosure	December 8, 2011
13	Fifteenth Supplemental Disclosure	January 17, 2012
14	Sixteenth Supplemental Disclosure	January 24, 2012
15	Seventeenth Supplemental Disclosure	January 30, 2012
16	Eighteenth Supplemental Disclosure	February 3, 2012
17	Nineteenth Supplemental Disclosure	February 7, 2012
18	Twentieth Supplemental Disclosure	February 20, 2012
19	Deposition of Jeffrey Stempel	February 21, 2012
20	Twenty First Supplemental Disclosure:	February 24, 2012

PLAINTIFF:

23	DOCUMENT	DATE
24	Initial Disclosure of Documents and List of Witnesses	March 3, 2011
25	Plaintiff's requested authorizations provided:	March 2, 2011
26	Response to Defendant's First Request for Admissions	May 5, 2011
27	Response to Defendant's First Request for Production	May 5, 2011
28	Answers to Defendant's First Set of Interrogatories	May 5, 2011

1	First Supplemental Disclosure	May 25, 2011.
2	Initial Expert Disclosure	June 8, 2011
3	Responses to Defendant's Second Production Request	June 27, 2011
4	Supplemental Answers to First Set of Interrogatories	June 27, 2011
5	Answers to Defendant's Second Set of Interrogatories	June 28, 2011
6	Second Supplemental Disclosure	June 28, 2011
7	Rebuttal Expert Disclosure	July 13, 2011
8	Supplemental Answers to Second Set of Interrogatories	July 19, 2011
9	Response to Defendant's Second Request for Admissions	August 10, 2011
10	Deposition of Anthony Serfustini, MD	August 15, 2011
11	Response to Defendant's Third Request for Admissions	Sept. 21, 2011
12	Third Supplemental Disclosure	October 3, 2011
13	Response to Defendant's Fourth Request for Admissions	October 27, 2011
14	Fourth Supplemental Disclosure	November 29, 2011
15	Deposition of Andrew O'Sullivan	February 1, 2012
16	Deposition of David Johnson	February 1, 2012
17	Deposition of Justin Gaiser	February 13, 2012
18	Deposition of Christy Ragland	February 15, 2012
19	Deposition of Susan White	February 15, 2012
20	Deposition of Alan Hamilton	February 23, 2012
21	Deposition of John Weber	February 24, 2012

(b) Discovery that remains to be completed:
DEFENDANT:

25	Continued Deposition of Justin Gaiser	March 12, 2012
26	Continued Deposition of John Weber	April 5, 2012

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PLAINTIFF:

Deposition of Defendant's F.R.C.P. 30(b)(6) designee

Kendra Slagle

March 9, 2012

(c) Reasons why discovery was not completed:

The parties have completed all discovery except for the continuation of the Deposition of John Weber. The Deposition of John Weber was conducted on February 24, 2012. The Deposition of Mr. Weber commenced at 1:32 p.m. Plaintiff's counsel concluded his questioning of Mr. Weber at 6:22 p.m. Defendant's counsel stated that he had several hours of questioning for Mr. Weber, however due to the lateness of the day, it was agreed that the deposition would be continued to another day to allow for questioning by Defendant's counsel.

The first available date the deponent, Plaintiff's counsel and Defendant's counsel is April 5, 2012. Consequently, the parties request that the Discovery Scheduling Order be modified to allow for the Continued Deposition of John Weber after the Discovery Cutoff. The parties agree that the Continued Deposition of John Weber is the only discovery allowed after Discovery Cutoff and that any party wishing to conduct any other discovery will have to apply to obtain the stipulation of the opposing party or apply to the court for permission to conduct the same.

(d) Proposed schedule for completion of remaining depositions:

The parties propose to take the following deposition after the discovery cut off:

Deposition of Kendra Slagle March 9, 2012

Continuation of the Deposition of Justin Gaiser March 12, 2012

Continuation of the Deposition of John Weber April 5, 2012

(e) Proposed schedule for completion of remaining discovery:

Primary Expert Disclosure Date: Closed

Rebuttal Expert Disclosure Due:	Closed
Last Day to Request Extension of Deadlines:	Closed
Discovery Cutoff:	March 12, 2012
Dispositive Motions Due:	April 13, 2012
Joint Pre-Trial Order Due:	May 14, 2012

Dated: March 5, 2012

Dated: March 5, 2012

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IT IS SO ORDERED this 5th day of March, 2012.


United States Magistrate Judge